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TO: Mail Stop APPEAL BRIEF-PATENTS, Technology Center 3600  
 TELECOPIER NO.: 571/273-8300 DATE: September 20, 2006  
 FROM: Mitchell P. Novick, Esq. FILE NO. 1654-1198  
 RE: ROSENDORF - S/N 09/848,191 **\*\*\* PATENT APPEAL BRIEF \*\*\***  
 NUMBER OF PAGES (including this sheet): 61

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- (1) Transmittal form;
- (2) Fee Transmittal Form (with payment by credit card);
- (3) Request For Extension Of Time (1 month); and
- (4) Appeal Brief.

If you have any questions, please contact me. Thank you.Mitchell P. Novick

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PTO/SB/21 (09-06)

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TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

|  |    |                        |                           |
|--|----|------------------------|---------------------------|
|  |    | Application Number     | 09/848,191                |
|  |    | Filing Date            | 05/03/2001                |
|  |    | First Named Inventor   | ROSENDORF, Charles Hillel |
|  |    | Art Unit               | 3624                      |
|  |    | Examiner Name          | HAVAN, Thu Thao           |
| Total Number of Pages in This Submission | 60 | Attorney Docket Number | 1597-1070                 |

## ENCLOSURES (Check all that apply)

|   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form                  | <input type="checkbox"/> Drawing(s)                                       | <input type="checkbox"/> After Allowance Communication to TC                                       |
| <input checked="" type="checkbox"/> Fee Attached                          | <input type="checkbox"/> Licensing-related Papers                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                |
| <input type="checkbox"/> Amendment/Reply                                  | <input type="checkbox"/> Petition   | <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final                                      | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declaration(s)                        | <input type="checkbox"/> Power of Attorney, Revocation                    | <input type="checkbox"/> Status Letter   |
| <input checked="" type="checkbox"/> Extension of Time Request             | <input type="checkbox"/> Change of Correspondence Address                 | <input type="checkbox"/> Other Enclosure(s) (please identify below):                               |
| <input type="checkbox"/> Express Abandonment Request                      | <input type="checkbox"/> Terminal Disclaimer                              |  |
| <input type="checkbox"/> Information Disclosure Statement                 | <input type="checkbox"/> Request for Refund                               |  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)           | <input type="checkbox"/> CD, Number of CD(s) _____                        |  |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application   | <input type="checkbox"/> Landscape Table on CD                            |  |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 |   |  |
| <b>Remarks</b>  |   |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                                   |          |        |
|--------------|-----------------------------------|----------|--------|
| Firm Name    | Law Offices Of Mitchell P. Novick |          |        |
| Signature    | <i>Mitchell P. Novick</i>         |          |        |
| Printed name | MITCHELL P. NOVICK, ESQ.          |          |        |
| Date         | 09/20/2006                        | Reg. No. | 30,305 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

|                       |                           |      |            |
|-----------------------|---------------------------|------|------------|
| Signature             | <i>Mitchell P. Novick</i> |      |            |
| Typed or printed name | MITCHELL P. NOVICK        | Date | 09/20/2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Effective on 12/08/2004.  
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2006

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

310.00

*Complete if Known*

|                      |                           |
|----------------------|---------------------------|
| Application Number   | 09/848,191                |
| Filing Date          | 05/03/2001                |
| First Named Inventor | ROSENDORF, Charles Hillel |
| Examiner Name        | HAVAN, Thu Thao           |
| Art Unit             | 3624                      |
| Attorney Docket No.  | 1597-1070                 |

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For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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 Charge any additional fee(s) or underpayments of fee(s)  Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES |                       | SEARCH FEES |                       | EXAMINATION FEES |                       |                |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
|                  | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)    | Small Entity Fee (\$) | Fee (\$)         | Small Entity Fee (\$) | Fees Paid (\$) |
| Utility          | 300         | 150                   | 500         | 250                   | 200              | 100                   |                |
| Design           | 200         | 100                   | 100         | 50                    | 130              | 65                    |                |
| Plant            | 200         | 100                   | 300         | 150                   | 160              | 80                    |                |
| Reissue          | 300         | 150                   | 500         | 250                   | 600              | 300                   |                |
| Provisional      | 200         | 100                   | 0           | 0                     | 0                | 0                     |                |

2. EXCESS CLAIM FEES

Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

| <u>Total Claims</u>   | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> | <u>Multiple Dependent Claims</u> |                 |
|---|---------------------|-----------------|----------------------|----------------------------------|-----------------|
|   |                     |                 |                      | <u>Fee (\$)</u>                  | <u>Fee (\$)</u> |
| - 20 or HP =  | x                   | =               |                      | 50                               | 25.             |
| HP = highest number of total claims paid for, if greater than 20. |                     |                 |                      | 200                              | 100             |

| <u>Indep. Claims</u> | <u>Extra Claims</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|----------------------|---------------------|-----------------|----------------------|
| - 3 or HP =          | x                   | =               |                      |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each additional 50 or fraction thereof</u> | <u>Fee (\$)</u> | <u>Fee Paid (\$)</u> |
|---------------------|---------------------|---|-----------------|----------------------|
| - 100 =             | / 50 =              | (round up to a whole number) x                          | =               |                      |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief (250), Request For First Month Extension (60)

310

SUBMITTED BY

|                   |                           |   |                        |
|-------------------|---------------------------|---|------------------------|
| Signature         | <i>Mitchell P. Novick</i> | Registration No.<br>(Attorney/Agent) 30,305 | Telephone 973-744-5150 |
| Name (Print/Type) | MITCHELL P. NOVICK, ESQ.  |   | Date 09/20/2006        |

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